

### **Remarks**

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated May 6, 2005, indicated that claims 1-6, 8-16, 21, 23-28, 30, 32-36, 42-49, 51, 53-59, 63-66, 68, 70, and 74 stand rejected under 35 U.S.C. § 102(b) over Hamlin (U.S. Patent No. 5,574,964). Claims 20 and 50 stand rejected under 35 U.S.C. § 103(a) over Hamlin in view of Goldstein (U.S. Patent No. 5,410,326). Claims 7, 22, 29, 31, 37-41, 67, and 75 stand rejected under 35 U.S.C. § 103(a) over Hamlin in view of Edens et al. (U.S. Patent No. 6,611,537). Claims 17-19, 52, and 60-62 stand rejected under 35 U.S.C. § 103(a) over Hamlin in view of Cohen et al. (U.S. Patent No. 4,837,798). Claims 69 and 71-73 stand rejected under 35 U.S.C. § 103(a) over Hamlin in view of Lewis (U.S. Patent No. 5,835,126).

Applicant respectfully traverses the §§ 102(b) and 103(a) rejections for the reasons previously presented and for the reasons provided herein. Rather than reiterating all of the previously presented arguments, in the discussion that follows Applicant focuses on additional and or more specific arguments relative to certain claims.

The Examiner has repeatedly glossed over an important and distinguishable requirement of claim 11 that the “NIU is adapted to store incoming external services data until a routing command is received from the user input device.” Applicant respectfully disagrees with the Examiner’s statement that the claim 11 requirements are met “by the discussion of routing of signals and information to appropriate interface pods 44 and the system database storage 48, which together serve to store incoming mass media and route the media as appropriate to the selected (via user input) device.” Contrary to the Examiner’s interpretation, Hamlin does not teach a NIU adapted to store incoming external services data. Rather at column 4, lines 16-18 Hamlin clearly states that “system database storage 48, such as a disk drive, [is] within the system controller 38.” Because system database 48 is housed in system controller 38 of Hamlin (see also Fig. 3), which is separate from the asserted NIU, the reference fails to correspond to Applicant’s claim 11 requirement that the “NIU is adapted to store incoming external services data” as claimed.

Applicant further points to column 4, lines 22-27 in which Hamlin states “system database 48 stores all information necessary for the system controller 38 to identify the location

of all components of the signal distribution system 12, and to monitor whatever activity is occurring at each location.” Furthermore, because database 48 merely stores information related to the status and location of components for monitoring purposes, Hamlin does not store incoming external serviced data and thus fails to correspond to Applicant’s requirement that the “NIU is adapted to store incoming external services data until a routing command is received from the user input device.” Other limitations seemingly ignored by Examiner include the claim 12 limitation that the user input device be “adapted to communicate with the NIU and determine the type of data that is stored.” Again, system controller 38 houses database storage 48, and converter 34 does not; thus Hamlin fails to correspond. In addition, because data is not stored at converter 34, no determination of type of data stored can be made. Therefore Hamlin fails to correspond to claims 11 and 12.

The Examiner further fails to identify where Hamlin teaches “the user input device is adapted to determine the source of the data.” Applicant points out that claim 13 is dependent on claim 12, which is dependent on claim 11, and the term data in these claims corresponds to “incoming external services data,” see claim 11. The data stored in database storage 48 is not external service data, and instead merely includes “information on the status of the distribution system 10 . . . information necessary for the system controller 38 to identify the location of all components of the signal distribution system 12, and to monitor whatever activity is occurring at each location.” Therefore Hamlin fails to correspond to the requirements of claim 13.

Applicant respectfully traverses the § 103(a) rejections. This traversal is partly based on the above discussed misinterpretation of the teachings of Hamlin. Moreover, in various instances of the final Office Action, the Examiner misrepresents opinions for actual evidence of prior art suggestions/teachings. Such practice is contrary to MPEP § 2143.01, in which obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. While examples should be apparent based on the above discussion of the teachings of Hamlin and the Examiner’s inaccurate citations, one such example is the rationale for rejecting claim 20. For the rejection of claim 20, the Examiner opines,

without support, that for claim 20 it would have been obvious to “use a security code in the remote controller, in order to allow for tighter security and use by only those authorized users.” Applicants respectfully traverse because this concept is not suggested by any prior art. Rather, Applicant believes that the Examiner is referring to Goldstein’s teaching a remote control device for interacting with a plurality of remotely controlled devices. Applicant fails to recognize where Goldstein teaches that the remote control device is operable with any converter 34 from Hamlin. Therefore, Applicant asserts that some teaching, motivation, or suggestion for combining Hamlin in view of Goldstein is not present.

The Examiner has failed to cite a reference or combination of references that corresponds to Applicant’s invention. Therefore, Applicant requests that the §§ 102(b) and 103(a) rejections be withdrawn.

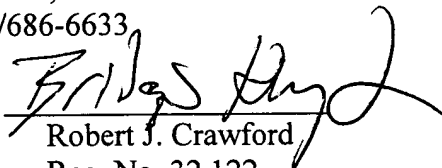
In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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